

SENATE AGRICULTURE

EXHIBIT NO. 4

DATE 3-17-09

BILL NO. HB 445

March 17, 2009

TO: Senator Donald Steinbeisser, Chairman, Senate Agriculture Committee and Members of the Senate Agriculture Committee:

RE: HB 445, the Montana Farmer Protection Bill.

I am writing in strong support of HB 445, also known as the Montana Farmer Protection Bill on behalf of the Montana Organic Association. This bill creates a protocol for sampling of patented plants as well as protecting Montana farmers from the liability of unknowingly possessing patented plants and specifies a Montana venue for deciding cases of liability for inadvertent possession of patented plants or seeds.


HB 445 does not harm the position of owners of plant patents to pursue violations of their patents. It does specify a protocol for them to obtain evidence of violations and requires them to pursue any violations in Montana in Montana federal courts. These are not unreasonable requirements given the likelihood of seed mixing and patented pollen drifting to adjacent fields. In other states patent holders have entered farmers' fields without permission, violated their property rights, obtained samples of crops without third party verification and filed suit against farmers in courts that are hundreds of miles away from the farm. These practices place farmers in the position of fighting expensive lawsuits against huge agribusiness corporations that have been awarded the home field advantage before the suit begins.

The time to act on this issue is now. Given what happened to farmers Rodney Nelson from North Dakota and David Runyon from Indiana among others, and given the thousand of plant patents applied for in the last 10 years and the inevitability of genetic migration, it is only a matter of time until a patent holder seeks damages from a Montana farmer. Having HB 445 in place will allow for an appropriate Montana solution to a problem that will occur in Montana.

This is a new area of technology that requires thoughtful regulation that protects both the ability to use patented plants and seeds and to protect those unintentionally affected. Similar laws have been passed in North Dakota (2001), South Dakota (2002), Indiana (2003), Maine (2008), and California (2008). Similar legislation has been introduced in Illinois (SB 2151), Washington (SB5006) and New Mexico (SB560) in 2009.

Thank you for your consideration of our position on this bill. Please vote in FAVOR of HB445.

Sincerely,


Ole Norgaard, Chair, Montana Organic Association



SENATE AGRICULTURE
EXHIBIT NO. 41
DATE 3-17-07
BILL NO. HB 445

March 9, 2009

To: Montana State Legislature

RE: House Bill 445 - LC 2068

We are writing in favor of HB 445 – LC 2068, pertaining to the Farmer Protection Bill – Patented Plants. HB 445 sets precedence, exempting liability from Montana Farmers who unknowingly possess a patented plant. The US food industry is currently not in support of GMO patented grains, including wheat, barley, rye, triticale, oats, millet, buckwheat, flax, spelt, corn, and soybeans. Due to our customers currently not accepting these, any presence would have a severe impact on our business to supply flours, whole grains, cracked grains, and mixes.

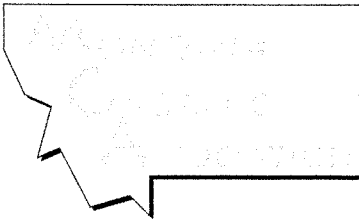
We sincerely request your support in this bill.

Sincerely,

Greg Thayer
CEO
Montana Milling, Inc.

Visit our website at: www.montanamilling.com • email: info@montanamilling.com
2123 VAUGHN ROAD • GREAT FALLS, MT 59404 • 406-771-9229 • 800-548-8554 TOLL FREE • 406-455-1589 FAX

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